

**(3) Issuance of plan**

After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue a plan, taking into consideration the comments received and including in the plan provisions necessary to ensure that the plan is in conformity with the requirements of this chapter.

**(4) Effective date of plan**

Such plan shall be issued and become effective not later than 150 days following publication of the proposed plan.

**(c) Amendments**

The Secretary, from time to time, may amend any plan issued under this section. The provisions of this chapter applicable to a plan shall be applicable to amendments to a plan.

(Pub. L. 101-624, title XIX, § 1908, Nov. 28, 1990, 104 Stat. 3841.)

**§ 6004. Regulations**

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 101-624, title XIX, § 1909, Nov. 28, 1990, 104 Stat. 3841.)

**§ 6005. Required terms in plans****(a) In general**

Each plan issued under this chapter shall contain the terms and conditions prescribed in this section.

**(b) Pecan Marketing Board****(1) Establishment**

The plan shall establish a Pecan Marketing Board to carry out the program referred to in section 6001(b) of this title.

**(2) Service to entire industry**

The Board shall carry out programs and projects that will provide maximum benefit to the pecan industry in all parts of the United States and only generically promote pecans.

**(3) Board membership**

The Board shall consist of 15 members, including—

(A) 8 members who are growers;

(B) 4 members who are shellers;

(C) one member who is a first handler and who derives over 50 percent of the member's gross income from buying and selling pecans;

(D) one member who is an importer of pecans into the United States, nominated by the Board;

(E) one member representing the general public, nominated by the Board; and

(F) at the option of the Board, a consultant or advisor representing the views of pecan producers in a country other than the United States who may be chosen to attend Board functions as a nonvoting member.

**(4) Representation of members****(A) Grower representatives**

Of the growers referred to in paragraph (3)(A), 2 members shall be from each district.

**(B) Sheller representatives**

Of the shellers referred to in paragraph (3)(B)—

(i) 2 members shall be selected from among shellers whose place of residence is east of the Mississippi River; and

(ii) 2 members shall be selected from among shellers whose place of residence is west of the Mississippi River.

**(C) First handler representative**

The first handler representative on the Board referred to in paragraph (3)(C) shall be selected from among first handlers whose place of residence is in a district.

**(D) Importer representative**

The importer representative on the Board referred to in paragraph (3)(D) shall be an individual who imports pecans into the United States.

**(E) Public representative**

The public representative on the Board referred to in paragraph (3)(E) shall not be a grower, grower-sheller, sheller, first handler, or importer.

**(5) Alternate for each member**

Each member of the Board shall have an alternate with the same qualifications as the member such alternate would replace.

**(6) Limitation on State residence**

There shall be no more than one member from each State in each district, except that the State of Georgia may have 2 growers from such State representing the district that it is in.

**(7) Modifying Board membership**

In accordance with regulations approved by the Secretary, at least once each 3 years and not more than once each 2 years, the Board shall—

(A) review the geographic distribution of pecan production throughout the United States; and

(B) if warranted, recommend to the Secretary that the Secretary reapportion a district in order to reflect the geographic distribution of pecan production.

**(8) Selection process for members****(A) Publicity**

The Board shall give reasonable publicity to the industry for nomination of persons interested in being nominated for Board membership.

**(B) Eligibility**

Each grower and sheller shall be eligible to vote for the nomination of members who represent that class of members on the Board. Growers shall be eligible to vote for the nomination of the first handler members on the Board.

**(C) Selection of nominees**

Each person referred to in subparagraph (B) shall have one vote. The 2 eligible candidates receiving the largest number of votes cast for each Board position for each